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11 Claimant and Third Party Plaintiff  
12 MICHAEL FRIEL

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 RITA JETTE, ) Case No. C 05-02226 PJH  
16 Plaintiff, )  
17 vs. )  
18 GEORGE MCQUEEN; MICHAEL )  
19 FRIEL, )  
20 Defendants. )  
21 \_\_\_\_\_ ) Motion Filed: February 8, 2006  
22 AND RELATED CROSS-CLAIM. )  
\_\_\_\_\_ )

**DEFENDANT MICHAEL  
FRIEL'S OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
ADMINISTRATIVE RELIEF FOR  
EXTENSION TO FILE  
DECLARATION**

23 A. **Plaintiff Has Not Shown Any Good Cause for Extending the Deadline to File  
24 the Declaration from the Lake County Counsel**

25 Plaintiff Rita Jette's ("Plaintiff" and "Jette") motion for administrative relief  
26 ("Motion") apparently seeks an order granting an extension of time to file a declaration  
27 from the Lake County Counsel's office ("County Declaration") in support of Plaintiff's  
28 opposition to the motions of Defendant Michael Friel ("Friel") to dismiss for failure to  
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join indispensable party and for leave to file third party complaint.<sup>1</sup> Plaintiff does not show any good cause for the relief. Friel's motion was filed on January 18, 2005. Plaintiff had until February 8, 2006, which was 21 days to prepare her opposition papers, including, declarations in support of her opposition. Other than a conclusory allegation that the County Declaration was "winding its way through the Lake County Counsel's Office," Plaintiff does not provide any factual details to show a reasonable diligence. For example, when was the first draft of the declaration provided to the Lake County Counsel's Office? When did they respond? How many drafts and changes were made as of February 8, 2006?

**B. Plaintiff Makes False Representations to the Court in Order to Fabricate Good Cause**

Rather than explaining why the County Declaration was still being drafted and revised until February 8, 2006, Plaintiff makes a false representation to the Court to fabricate an excuse for her failure. Plaintiff submits inadmissible, triple hearsay to argue that Friel's counsel, Robert R. Riggs ("Riggs"), somehow threatened to sue the Lake County on February 8, 2006, which caused the Lake County to decide to retain an independent counsel to review the declaration. Plaintiff claims that Riggs allegedly told the County Counsel, Anita Grant, that Friel would be filing a suit against the County Counsel's Office, who in turn told another Deputy County Counsel, Robert Weiss, who then allegedly confirmed the threat of litigation with Plaintiff's counsel. Friel strongly objects to the inadmissible, unreliable hearsay evidence submitted by Plaintiff,

<sup>1</sup> Friel does not oppose the Motion with respect to Plaintiff's declaration so long as Friel has a corresponding extension of time to file and serve his reply papers.

1 and the Court should sustain the objection. More importantly, Riggs categorically  
2 denies making any threat of lawsuit against the County Counsel's office on February 8,  
3 2006, to anyone at that office. (Declaration of Robert R. Riggs in Support of Defendant  
4 Friel's Opposition to Plaintiff's Motion for Administrative Relief for Extension to File  
5 Declaration of Complainant Due to Medical Emergency, Pursuant to Rule 7.11 ("Riggs  
6 Decl."), ¶ 3.) Friel submits that Plaintiff will not file a declaration from Anita Grant or  
7 Robert Weiss saying that Riggs threatened her on February 8, 2006, to sue the County  
8 Counsel's Office. Rather, Friel is submitting the declaration of Robert Weiss stating  
9 under oath that he told Plaintiff's counsel that he did not know what was said in the  
10 conversation between Riggs and Anita Grant, and that he could only speculate.  
11 (Declaration of Robert Weiss Regarding Declaration of Seth L. Goldstein in Support of  
12 Motion for Administrative Relief.)

### 13 CONCLUSION

14 For the foregoing reasons, the Court should deny Plaintiff's motion for  
15 administrative relief with respect to the County Declaration.

16 Dated: February 10, 2006.

KATZOFF & RIGGS

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18  
19 SUNG E. SHIM

20 Attorneys for Defendant, Cross-Claimant and  
21 Third Party Plaintiff MICHAEL FRIEL

## **PROOF OF SERVICE**

I, the undersigned, declare that I am, and was at the time of service of the papers herein referred to, over the age of eighteen (18) years and not a party to the within action or proceeding. I am employed in the County of Alameda, State of California. My business address is 1500 Park Avenue, Suite 300, Emeryville, California 94608. I am familiar with the regular mail collection and processing practices of Katzoff & Riggs for correspondence deposited for mailing with the United States Postal Service. On February 10, 2006, I caused to be served the following document(s):

**DEFENDANT MICHAEL FRIEL'S OPPOSITION TO PLAINTIFF'S MOTION FOR  
ADMINISTRATIVE RELIEF FOR EXTENSION TO FILE DECLARATION**

**DECLARATION OF ROBERT R. RIGGS IN SUPPORT OF DEFENDANT FRIEL'S  
OPPOSITION TO PLAINTIFF'S MOTION FOR ADMINISTRATIVE RELIEF FOR  
EXTENSION TO FILE DECLARATION OF COMPLAINANT DUE TO MEDICAL  
EMERGENCY, PURSUANT TO RULE 7.11**

**DECLARATION OF ROBERT L. WEISS REGARDING DECLARATION OF SETH L.  
GOLDSTEIN IN SUPPORT OF MOTION FOR ADMINISTRATIVE RELIEF**

addressed to each such addressee respectively as follows:

**Seth L. Goldstein  
Law Offices of Seth L. Goldstein  
2100 Garden Road, Suite C 306  
Pacific Grove, CA 93940  
Tel. (831) 372-9511 / Fax (831) 372-9611**

**Maureen M. Bryan  
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2020 Bonifacio Street, Suite B  
Concord, CA 94520  
Tel. (925) 825-3393 / Fax (925) 825-2875**

**Michael Ewing  
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Tel. (707) 263-6400 / Fax (707) 263-7047**

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I then served the addressees in the following manner:

VIA THE UNITED STATES POSTAL SERVICE by causing a true copy and/or original thereof to be placed in a sealed envelope with postage thereon fully prepaid in the designated area for outgoing mail.

I declare under penalty of perjury, under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed on February 10, 2006, at Emeryville, California.

SUNG E. SHIM